

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
2002 Biennial Review of)	
Telecommunications Regulations)	
Within the Purview of the Wireless)	WT Docket No. 02-310
Telecommunications Bureau)	
)	

To: The Commission

REPLY COMMENTS OF APCO

The Association of Public-Safety Communications Officials-International, Inc. (“APCO”) hereby submits the following reply comments in response to the Commission’s Public Notice seeking comments in the above-captioned proceeding, FCC 02-264 (released September 26, 2002).¹ These reply comments are directed to the comments filed by the American Association of Paging Carriers (“AAPC”), seeking to dispense with the prior coordination requirement for private carrier paging (“PCP”) applicants seeking shared PCP channels under Part 90, and to comments filed by Westel Communications, Inc. (“Westel”), seeking to eliminate the channel usage reporting requirement found in Section 22.655.

APCO, founded in 1935, is the nation’s oldest and largest public safety communications organization and frequency coordinator. APCO is a professional association of over 15,000 members, most of whom are state and local government officials who manage and operate communications facilities for police, fire, emergency medical, forestry conservation, highway

¹ APCO joined the National Emergency Number Association (“NENA”) in filing Comments in this proceeding on October 18, 2002. In that pleading, APCO and NENA responded to the Petition for Rule Making filed by the Cellular Telecommunications and Internet Association regarding clarification of Sections 20.3 and 20.18 of the Commission’s Enhanced 911 rules as they relate to carrier negotiations with Public Safety Answering Points.

maintenance, disaster relief, and other public safety agencies. APCO is a FCC-certified frequency coordinator for Public Safety Pool channels in all frequency bands.

AAPC suggests elimination of the prior frequency coordination requirement found in Section 90.175 of the Commission's rules for Part 90 PCP carriers that seek shared PCP channels. AAPC recommends that PCP applicants be permitted to submit their applications directly to the Commission via the electronic filing system using the Universal Licensing System.² AAPC points out that only paging carriers that use shared PCP channels under Part 90 must obtain frequency coordination before filing their applications.³

Because these channels are shared, APCO disagrees that prior frequency coordination requirement should be dispensed with for PCP carriers. The purpose of this rule is to ensure that potential licensees do not cause harmful interference to co-channel or adjacent-channel licensees in the same area. This is of particular concern to Part 90 public safety operations, where harmful interference could endanger communications used for the protection of life, health and property. Frequency coordination is thus necessary in shared environments, and serves as a useful tool for the Commission.

AAPC also points out that Part 22 paging applicants and licensees of *non-shared* channels in Part 90 must apply for geographic licenses to operate a commercial paging system, and no frequency coordination is required.⁴ However, the key factor is that both applicants seek *non-shared* channels where potential interference is not a problem and frequency coordination is unnecessary. Thus, this analogy is not synonymous, and should not be considered.

² Comments of AAPC at 2.

³ *Id.*

⁴ *Id.*

APCO also questions Westel's proposal to eliminate the requirements that Part 22 licensees report channel usage in the 470-512 MHz band (Section 22.655).⁵ These reports are necessary to determine where spectrum in the 470-512 MHz band is underutilized, and could be made available for other uses. At least in some areas, paging companies are not making substantial use of Part 22 channels in the 470-512 MHz band. That has allowed public safety agencies in several cases to obtain waivers to use those channels for critical communications where no public safety spectrum is available.⁶

Accordingly, APCO requests that the Commission consider the above comments in its Biennial Review of the relevant rules.

Respectfully submitted,

ASSOCIATION OF PUBLIC-SAFETY
COMMUNICATIONS OFFICIALS-
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⁵ Comments of Westel at 2-3.

⁶ See, e.g., *DuPage Public Safety Communications*, 16 FCC Rcd 12394 (WTB 2001) (UHF paging control channels); *City of Santa Monica, California*, 15 FCC Rcd 24938 (WTB 2000) (UHF paging control channels); *County of Burlington, New Jersey*, 15 FCC Rcd 16569 (WTB 2000) (point-to-multipoint paging control channels); *City of Pomona, California*, 15 FCC Rcd 15597 (WTB 2000) (point-to-multipoint paging control channels); and *County of San Mateo, California* 14 FCC Rcd 19002 (WTB 1999) (UHF paging control channels).